

Applicants respectfully traverse the restriction requirement on the grounds that the Office has not provided adequate reasons and/or examples to support a conclusion of patentable distinctness between the identified groups.

The Office has characterized the inventions of Groups I and II as related as product and process of use. The Office states that the product of Group I can be used in a "material[ly] different process such as textile treatment." However, the Office has failed to show how the alleged use of the product of Group I for "textile treatment" is "material[ly] different" from the method of Group II. Instead, the Examiner has merely concluded, without supporting reasons, that "textile treatment" is materially different from the invention of Group II. Accordingly, Applicants respectfully submit that the stated basis for the requirement for restriction is improper, and it should therefore be withdrawn.

The Office has also characterized the inventions of Groups II-IV as "unrelated." Citing M.P.E.P. § 806.04 and 808.01, the Office suggests that the different inventions "have a different mode of operation" and "have different modes of operation in effect." However, Applicants respectfully submit that the Office has again merely stated a conclusion, and has not provided evidence or reasoning to support the allegation that Groups II-IV are "unrelated."

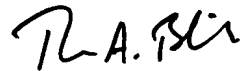
Furthermore, Applicants note that the M.P.E.P. § 806.04(a) describes unrelated inventions as, for example, "an article of apparel such as a shoe, and a locomotive bearing," or "a process of painting a house and a process of boring a well." Thus, unrelated inventions, as defined by the M.P.E.P., are inventions which are directed to completely different technical fields, and have no reasonable relationship with each other. Applicants make no statement regarding the patentable distinctness of the inventions of Groups II-IV, but note that each of the inventions of Groups II-IV relate to methods comprising "using the foreign-atom-doped silica of claim 1." Thus the inventions of Groups II-IV do not meet the standard

of "unrelatedness" of M.P.E.P. § 806.04(a). Accordingly, Applicants respectfully submit that the requirement for restriction is improper, and request that it be withdrawn.

Applicants respectfully submit that the above-identified application is now in condition for examination on the merits, and early notice thereof is earnestly solicited.

Respectfully submitted,

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